

Application Serial No.: 09/918,187  
DOCKET NO.: ISPH-0590 (4042.3007 US)

PATENT

### **SUMMARY OF INTERVIEW**

#### **Identification of Claims Discussed**

Claim 1 was discussed.

#### **Identification of Prior Art Discussed**

No prior art was discussed.

#### **Results of Interview**

The interview included a discussion of possible amendments to Claim 1. Applicants' representatives proposed amending Claim 1 to recite "100% complementarity". Examiners Schultz and Vivlemore indicated that such an amendment would overcome the 102/103 rejection in view of Cowsert. The Examiners further indicated that removing the functional limitation "inhibits the expression of stearyl CoA-desaturase by at least 10%" would be acceptable.

Application Serial No.: 09/918,187  
DOCKET NO.: ISPH-0590 (4042.3007 US)

PATENT

**REMARKS**

Applicants would like to thank Examiners Vivlemore and Schultz for the courteous personal interview granted February 28, 2006, to Applicants' representatives Jodi Connolly and Jason Ferrone.

Following entry of the amendments submitted herewith, Claims 1, 4-7, 9, 10, 12, 13, and 28 will be pending in the instant application.

Claims 2, 3, 8, 11, and 14-27 are canceled.

Claims 1, 4-7, 9, 10, 12, and 28 are currently amended. Support for these amendments can be found throughout the specification. For example, support for "antisense oligonucleotide" and "12 to 30 nucleobases in length" can be found on page 12, lines 34-36; support for "100% complementarity" is found in Table 1. Accordingly, no new matter has been added to this application.

*Discussion of rejection under 35 U.S.C. § 102/103*

The Examiner rejected Claims 1, 4-7, 9, 10, 12, 13, and 28 under 35 U.S.C. § 102(a) and (e) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Cowsert et al. The Examiner cited SEQ ID NO: 38 from Cowsert et al. (US 6,261,840) and stated that SEQ ID NO: 38 shares 12 bases with SEQ ID NO: 30 of the instant application.

Claim 1 has been amended to recite antisense oligonucleotides that specifically hybridize with 100% complementarity to SEQ ID NO: 3. Support for the recitation of "100% complementarity" is found throughout the specification as filed, for example, in Table 1, which discloses many antisense oligonucleotides that share 100% complementarity with SEQ ID NO: 3. Additionally, Claims 4-7, 9, 10, 12, and 28 are currently amended to recite "antisense oligonucleotide" rather than "antisense oligonucleotide compound", support for which is found throughout the specification as filed.

Cowsert et al. do not disclose antisense oligonucleotides that meet the limitations of Claim 1 as amended herewith, i.e. antisense oligonucleotides 12 to 30 nucleobases in length that specifically hybridize with 100% complementarity to SEQ ID NO: 3 and comprise at least an 8-nucleobase portion of SEQ ID NO: 30. For example, the

Application Serial No.: 09/918,187  
DOCKET NO.: ISPH-0590 (4042.3007 US)

PATENT

antisense oligonucleotide disclosed by Cowsert et al. (designated as SEQ ID NO: 38) and cited by the Examiner exhibits less than 100% complementarity to SEQ ID NO: 3 of the instant application. Thus, Cowsert et al. does not anticipate, or render obvious, Claim 1 or the claims dependent therefrom. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of Claims 1, 4-7, 9, 10, 12, 13, and 28 under 35 U.S.C. § 102/103.

### CONCLUSION

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record and that the present claims are in condition for allowance. Nevertheless, if any issues remain or require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite resolution of such issues.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Direct Account Number 50-0252, referencing Docket No. ISPH-0590.

Respectfully submitted,

Dated: March 28 2006



Frances R. Putkey  
Registration No. 57, 257  
Telephone: 760.603.2710

Isis Pharmaceuticals, Inc.  
1896 Rutherford Rd.  
Carlsbad, CA 92008